



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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Vol. 27

March 2, 2010

No. 07

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**NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.**

# HOUSE WEEK IN REVIEW

The House of Representatives returned **S.191**, the “**SOUTH CAROLINA REDUCTION IN RECIDIVISM ACT OF 2010**”, to the Senate with amendments. In order to reduce recidivism rates and protect potential victims from criminal enterprises, the legislation authorizes law enforcement officers to conduct warrantless searches and seizures on those who are on probation or parole. The legislation provides that, before an individual may be placed on probation, supervised furlough, or parole, he must agree in writing to be subject to a search or seizure, without a search warrant, based on reasonable suspicions, of his person, any vehicle he owns or is driving, and any of his possessions by any probation agent employed by the Department of Probation, Parole and Pardon Services or any other law enforcement officer. The legislation also includes provisions that make written agreement to such warrantless searches and seizures a condition for the release from custody of juveniles and youthful offenders. Agreement to warrantless search and seizure does not apply in situations involving a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year. Before conducting a warrantless search or seizure of an individual, a law enforcement officer must verify the individual’s probation, parole, supervised furlough, or conditional release status. Officers are required to make reports of all warrantless searches or seizures to their law enforcement agencies that include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. An officer who fails to make a required report is subject to the disciplinary policy of his agency, but, in the absence of a written agency policy on enforcement, the officer is subject to a one-day suspension without pay. Law enforcement agencies must submit the reported information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. The department must report any finding of abuse to the State Law Enforcement Division for investigation.

The House gave second reading approval to **H.4475**, a proposed amendment to the South Carolina Constitution that requires that the **SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR** (upon the advice and consent of the General Assembly). The term of office must be for four years, coterminous with that of the Governor. The General Assembly is to provide for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Secretary of State may be removed from office.

The House amended, approved, and sent to the Senate **H.3192**, a bill establishing the **SOUTH CAROLINA SUNSET COMMISSION** and a Sunset Review Division of the Legislative Audit Council. The bill outlines procedures by which the programs of certain agencies and departments of state government must be evaluated to determine if they should be continued in existence, modified, or terminated.

The House amended, approved, and sent to the Senate **H.4448**, a bill providing a mechanism for **FINANCING RESIDENTIAL ENERGY EFFICIENCY AND CONSERVATION MEASURES**. This bill provides electricity and natural gas providers the authority to finance the purchase price and installation cost of energy conservation measures for residential customers and recover this financing through charges paid for by the customers benefitting from the installation of the energy conservation measures. Before an electricity provider or natural gas provider may enter into a financing contract

on a residence, an energy audit must be performed on the residence to demonstrate that energy savings can be expected from energy efficiency measures, such as weatherization and equipment upgrades. Should the residential customer agree to the installation of the of the efficiency measures, a second audit must be performed after the installation to show that energy savings have been realized. In order for electricity providers and natural gas providers to recover the costs, including financing costs, of the energy efficiency and conservation measures a meter conservation charge is placed on a customer's bill.

The House amended, approved, and sent to the Senate **H.4445**, the “**PERMIT EXTENSION JOINT RESOLUTION OF 2010**”. The joint resolution provides a temporary extension for encroachment permits, air and water quality permits, and certain other government approvals affecting the development of real property within the state. The measure is offered as a means of preventing the abandonment of development projects in the state during depressed economic conditions.

The House approved and sent to the Senate **H.4585**, relating to a **TAXATION REALIGNMENT COMMISSION EXTENSION**. This joint resolution extends the deadline for the date of the report and recommendations of the South Carolina Taxation Realignment Commission (TRAC) from March 15, 2010, to November 15, 2010, and provides that the commission's report may extend to all constitutional and statutory provisions pertinent to the imposition of ad valorem taxes.

The House amended, approved, and sent to the Senate **H.4343**. This bill establishes the **SOUTH CAROLINA AIR SERVICE INCENTIVE AND DEVELOPMENT FUND** under the South Carolina Aeronautics Commission to provide grants to regional economic development entities or air service development task forces to provide more flight options, more competition for air travel and more affordable air fares for the citizens of the region and this state. The legislation establishes the selection criteria and selection process for these grants to be made from funds provided to or appropriated for the fund by the General Assembly.

The House amended, approved, and sent to the Senate **H.4514**, a bill relating to “**S**” **CORPORATIONS UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT**. This bill revises the definition of “termination date” under the Fee In Lieu Of Tax Simplification Act and revises provisions relating to treatment of “S” corporations for tax purposes, so as to provide that a specified amount of income taxes paid by resident and nonresident shareholders of certain “S” corporations must be deposited into a special fund and distributed by the Coordinating Council for Economic Development as grants for public infrastructure improvements, which directly support the projects. The legislation establishes guidelines to administer the fund and applications for the grants.

The House amended and gave second reading approval to **H.3800** which includes a school attendance officer, foster parent, juvenile justice worker, and a volunteer guardian ad litem among the **PEOPLE WHO MUST REPORT CERTAIN ALLEGATIONS OF CHILD ABUSE OR NEGLECT**. The bill also encourages other people to report this abuse.

The House amended, approved, and sent to the Senate **H.3779**, a bill relating to **LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT OF GUARDIANS AD LITEM IN CHILD ABUSE AND NEGLECT PROCEEDINGS**. The legislation provides

that children must be appointed a guardian ad litem by the family court. The bill further provides that the family court may appoint legal counsel for the child. Counsel for the child may not be the same as counsel for: (a) the parent, legal guardian, or other person subject to the proceeding; (b) any governmental or social agency involved in the proceeding; or (c) the child's guardian ad litem.

The House returned **S.19** to the Senate with amendments. The legislation provides that every **CAMPUS POLICE AND SECURITY DEPARTMENT** shall implement policies and procedures to govern their operations. This bill revises various definitions relating to campus police/security departments and expands jurisdiction based on job responsibilities. The bill requires notification to local law enforcement of certain off-campus events and clarifies the definitions of sworn police officers and security officers. The bill revises the markings that may appear on a campus police officer's vehicle and authorizes the use of campus unmarked vehicles. The bill repeals Section 59-116-70, relating to the posting of a bond by a campus police officer before the assumption of their duties.

The House approved **S. 21**, the **UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT**, and enrolled the bill for ratification. The legislation establishes a procedure for litigants to depose out-of-state individuals and for the production of discoverable materials that may be located out-of-state. Elements of the bill relate to compliance with rules of court or statutes regarding service of subpoenas and complying with SC Rules of Civil Procedure.

The House approved **S.929**, relating to **REQUIRED POSTINGS AND OTHER DEPARTMENT OF LABOR, LICENSING AND REGULATIONS PROVISIONS**, and enrolled the bill for ratification. This bill revises requirements for posting notices concerning the employment of adults and children in places of employment, so as to eliminate the provision requiring notice to be posted in every room where five or more persons are employed. The bill revises various provisions to eliminate references to the Division of Labor within the Department of Labor, Licensing and Regulation.

The House amended, approved, and sent to the Senate **H.4129**, a bill relating to trespassing for the purpose of **DISTURBING AN ARCHEOLOGICAL SITE**. This bill provides that it is unlawful to willfully, knowingly, or maliciously enter upon the posted lands of another or the state and investigate, disturb, or excavate a prehistoric or historic site for the purpose of discovering, uncovering, moving, removing, or attempting to remove an archaeological resource. An archeological resource includes all artifacts, relics, burial objects, or material remains of past human life or activities that are at least one hundred years old and possess either archaeological or commercial value, including pieces of pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, rock paintings, rock carving, intaglios, graves, or human skeletal materials. The bill provides criminal penalties for violations and civil remedies.

The House approved and sent to the Senate **H.3964**, a bill relating to **SEED ARBITRATION**. This bill, among many things, directs the Commissioner of Agriculture to appoint an arbitration committee for the purpose of seed arbitration. This bill updates and clarifies seed arbitration procedures. It replaces obsolete definitions and replaces enforcement mechanisms. The bill revises labeling requirements for seed products and imposes additional prohibitions. The legislation also increases penalties for violations of these provisions. The bill also outlines that Clemson University shall maintain a program

of seed and plant certification which shall have as its aim the fostering of the production and distribution of pure varieties of seeds and plants in South Carolina.

The House approved and sent to the Senate **H.4444**, relating to **CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH INCLUDING WEAKFISH CYNOSCION**. This bill states that it is unlawful for a person to take or have in possession more than one weakfish, Cynoscion, in any one day.

The House approved and sent to the Senate **H.4541**, a bill **DESIGNATING SWEETGRASS AS THE OFFICIAL STATE CRAFT GRASS**.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet.

### EDUCATION AND PUBLIC WORKS

The Education and Public Works committee gave a report of favorable with amendment on **H.4243 CHARTER SCHOOLS**. This bill outlines a charter school sponsor's authority and responsibilities; authorizes a state or local charter school sponsor to retain up to 2% of the total state and local appropriations for each charter school it sponsors to cover the costs for overseeing the school; establishes in the State Treasury a revolving facilities loan program for construction, purchase, renovation, and maintenance of public charter school facilities (does not require a state appropriation); authorizes single gender charter schools; requires that at least 1/3 of the board positions at a charter school must be open for election annually, allowing for staggered terms of no more than three years - board members may be reelected for consecutive terms as allowed by the charter school's bylaws. The bill provides that charter schools are eligible for federal and state sponsored leagues, competitions, awards, scholarships, grants, to the same extent as all other public schools. The bill authorizes and provides for charter school students' participation in extracurricular activities at the student's resident school if the activities are not available at the charter school; modifies the Charter School Advisory Committee; provides time lines for charter applications and the times on which rulings must be made. Students who reside within the former attendance area of a converted public school must be given enrollment priority at that charter school. The bill revises the necessary parental vote for a traditional public school to convert to a charter school; funds state-sponsored brick and mortar charter school students with the same state and local funds the child would have generated were he enrolled in his resident public school; and funds state sponsored virtual schools in an amount not to exceed \$5,000 (with contingencies regarding state and local funding), with reports required in 2014. Clarifies that a private school that wishes to convert to a charter school must first dissolve and then must follow the same procedures as other charter applicants.

The committee gave a report of favorable with amendment on **H.4248 CRIMINAL BACKGROUND CHECKS FOR SUBSTITUTE TEACHERS**. This bill requires substitute teachers to have criminal background checks. There is no charge to the school district. The district board is to adopt a written policy on how the information is to be used, but any policy must prohibit hiring those convicted of violent crimes (SLED is to assist in training in the use of information).

## JUDICIARY

The Judiciary Committee met February 23<sup>rd</sup>.

The committee gave a report of favorable on **H.1142** a Joint Resolution to approve regulations of the Secretary of State, relating to **UNIFORM REAL PROPERTY RECORDING ACT**, designated as Regulation Document Number 4078 and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the 1976 Code.

The committee gave a report of favorable with amendment on **H.4225** relating to definitions regarding the **VICTIM ASSISTANCE PROGRAM** so that the term "Victim Service Provider" does not include magistrates, municipal judges, circuit court judges or family court judges.

The committee gave a report of favorable with amendment on **H. 4256 ADDITIONS TO REASONS FOR COMMUNICATION INTERRUPTION BY SLED**. The bill allows additional reasons for which the South Carolina Law Enforcement Division or authorized law enforcement officer may interrupt phone or internet communications by issuing administrative subpoenas to certain telecommunications providers in order to safeguard the public (which include threats to persons, hostage situations, resisting arrest with weapons, possibility of suicide, and threats to critical infrastructure). This bill authorizes SLED to promulgate regulations regarding issuing administrative subpoenas. The bill expands "good faith" coverage to internet providers under an administrative subpoena.

The committee gave a report of favorable with amendment on **H.4261** in which an officer of the South Carolina Law Enforcement Division when there is reasonable cause, may issue an **administrative subpoena for the production of subscriber or customer records during the investigation of criminal cases involving financial crimes**. Investigations eligible are breach of trust with fraudulent intent, obtaining a signature or property by false pretenses, Financial Identity Fraud, financial transaction card or number theft, financial transaction card fraud, Computer Crimes Act and crimes against a federally chartered or insured financial institution. The bill includes good faith protections for financial institutions, public and private utilities, and communications providers. SLED is authorized to promulgate regulations.

The committee gave a report of favorable with amendment on **H.4434 NOTICE OF ELECTIONS**. This bill reduces the number of notices published in a newspaper from two to one and sets the information to be provided in the notice: the notice only must include the date, time, and type of election to be held, as well as the date by which a voter shall register in order to vote in the election. The notice must direct readers to the website of the State Election Commission for further information. Moreover, the

authority conducting an election is to post notice on the State Election website of various elections in that county (also the county and municipal websites must link to the State Election Commission website). The publication and posting must appear not later than forty five days before the election.

The committee gave a report of favorable with amendment on **H.3489**, the "**SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2010**". Regarding punitive damages, the bill establishes a three times "compensatory damages" or \$350,000 whichever is higher. The bill also establishes bifurcated trial on punitive before the same finder of fact; a "Clear and convincing" evidence standard for award of punitive; with eleven factors to be considered by the finder of fact in awarding punitive damages. There are three exceptions to the cap: 1) intentional conduct; 2) conviction of a felony criminal charge in the course of conduct that gives rise to the damages; and 3) intoxication. Private Attorney Retention: the bill establishes the parameters under which the Attorney General or a Circuit Solicitor may retain outside counsel. The bill also sets up a sliding scale for contingent fee cases limiting the compensation to be received by the outside counsel based the amount of the award. All other proceeds are to be used for the State of South Carolina based on the Attorney General or Solicitor's judgment. The bill provides that outside counsel must provide the Attorney General or solicitor a detailed account of all work performed each month. In the case of contingent fee cases, outside counsel's compensation, not including punitive or exemplary damages, there will be no more than certain enumerated percentages corresponding to the amount of judgment. The bill establishes in relation to punitive or exemplary damages, enumerated percentages. With regards to expenses and costs, outside counsel shall only be reimbursed for reasonable costs and expenses when expressly authorized by the Attorney General or solicitor. The bill adds a process by which a solicitor or the Attorney General may depart from the guidelines set forth in the section by publicly disclosing the reasons for the departure and that he determined departure was in the best interest of the state. The written result of this process is a matter of public record. The bill contains a Statute of Repose to assure that building code violations do not constitute per se fraud, gross negligence or recklessness but, such violations may be introduced as evidence of fraud, gross negligence, or recklessness. The bill contains provisions for an Appeal Bond. This section would limit the amount of an appeal bond that a court can order posted to the amount of the judgment or \$25 million dollars for a larger business or \$ 1 million for a small business or individual, whichever is less. (Small and large business are defined based on gross receipts and number of employees). Seat Belts: The statutory prohibition on admissibility of failure to use a seat belt is repealed. This would subject this information to the normal rules of evidence during a trial.

## **LABOR, COMMERCE AND INDUSTRY**

The full Labor, Commerce and Industry Committee met on Tuesday, February 23, and gave a report of favorable with amendments on **H.4551**, a bill **INCORPORATING PREPAID WIRELESS TELECOMMUNICATIONS AND VOICE OVER INTERNET PROTOCOL INTO THE 911 EMERGENCY CALLING SYSTEM** provisions. The legislation imposes new fees upon prepaid wireless telecommunications and Voice over Internet Protocol (VoIP) for the support of the 911 emergency calling system that are in keeping with the fees that users of traditional telephone services and mobile telecommunications plans have been paying for the support of the system.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet.

## WAYS AND MEANS

The full Ways and Means Committee met during the week and adopted the **STATE GOVERNMENT BUDGET** proposed for fiscal year 2010-2011.

The Board of Economic Advisors has provided a fiscal year 2010-2011 revenue forecast of \$5,621,810,481. Following the subtraction of \$545.8 million for the Property Tax Relief Trust Fund, revenues available for appropriation are \$5,075,930,269.

Current base allocations are \$5,275,343,200, necessitating a budget reduction of \$199.4 million. Numerous funding obligations also exist such as: \$98.2 million for the loan from the deposit account for the fiscal year 2008-2009 shortfall; \$55.4 million to replenish the General Reserve Fund; \$23.1 million for debt service; \$99.7 million for the Homestead Exemption shortfall; \$49.9 million for the State Employee Health Plan; \$364 million for Medicaid Maintenance of Effort; and \$50 million to avoid a deficit at the Department of Corrections.

To offset some reductions, the proposed budget incorporates \$346 million in federal stimulus funds available under the American Recovery and Reinvestment Act, \$239.3 million in federal enhanced Medicaid match rates, and \$195.5 million from the Medicaid Maintenance of Effort Fund.

Following the use of federal dollars and other nonrecurring revenues, agency cuts to recurring allocations amount to \$337.5 million. The new base allocation has been reduced to \$5,068,031,567.

The legislation suspends state mandated assessments not required by federal No Child Left Behind provisions, formative assessments, and financial literacy programs.

Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list must be suspended.

Printing of school and district report cards is suspended. A parent must be provided a printed copy of such a report card at no cost only upon request.

The savings generated from the suspension of these activities must be redirected to the Education Finance Act for teacher salary purposes.

Effective July 1, 2010, the legislation discontinues the National Board Certification program with its teacher salary supplements. The Department of Education and the Education Oversight Committee are charged with jointly developing a pilot program to determine the effectiveness of using the Salary Incentives for Teacher Excellence (SITE).



## **Legislative Update, March 2, 2010**

The South Carolina Occupational Information System (SCOIS) is transferred from the Employment Security Commission to the State Department of Education.

The legislation provides for a \$4.7 million cut to central administration at the State Department of Education.

The legislation increases the tax collected on each cigarette by 1.5 cents, which amounts to an additional 30 cents for each pack of cigarettes. Revenue generated by the increase is deposited in a newly-created Medicaid Reserve Fund to be used to address budget shortfalls affecting the Medicaid program. At any given time, the Medicaid Reserve Fund must maintain a balance equal to 1.5% of the total appropriations authorization for the Medicaid program for the current fiscal year. Revenues in excess of that balance must first be used for any needed replenishment of the General Reserve Fund and then credited to the state's general fund. Each year, the revenue of 0.05 of a cent of the surtax on each cigarette must be transferred to the Department of Agriculture to be used for agricultural natural disaster relief and for the marketing and branding of South Carolina grown produce for retail customers.

The legislation provides for a cost savings of \$10.7 million by imposing a limitation of no more than three prescriptions under Medicaid coverage.

The State Children's Health Insurance Program (SCHIP) is funded at a level to sufficient maintain the current enrollment, but, effective July 1, 2010, the program is closed to the enrollment of new participants from families with incomes that range from 150% to 200% of the federal poverty level.

The legislation provides for a complete prohibition on State Health Plan coverage of abortion services by eliminating existing language that provides for exceptions in the cases of rape, incest, or where the life of the mother is in jeopardy.

Agency heads are given the discretion of instituting an employee furlough program of up to five days to be taken on legal state holidays.

The legislation provides that the salary of a retiree who returns to work at a state agency shall be no more than 75% of the salary they were receiving at the time of their retirement. In the event that an agency must employ a retiree who is returning to work, the employee should possess a unique skill set or institutional knowledge that would otherwise be difficult to replace.

\$5 million in Department of Revenue collections enforcement funds is appropriated to reinstate the Deal Closing Fund that the Department of Commerce utilizes to attract business investment in the state.

\$7 million in Department of Revenue collections enforcement funds is appropriated to Center for Accelerated Technology Training at the State Board for Technical and Comprehensive Education which provides industry-specific job training.

Unexpended Motion Picture Incentive Wage Rebate funds carried over from the previous fiscal year are transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism to be used for the Destination Specific Tourism Program.

The committee also gave a favorable report on **H.4603** a joint resolution to suspend the statutory requirement that **ALTERATIONS TO STATE AID TO POLITICAL SUBDIVISIONS** must be approved in separate legislation. The appropriations act proposed for the upcoming fiscal year provides for a \$27 million dollar reduction from the previous year's funding level in aid to local governments. The joint

resolution also provides that, for the 2010-2011 fiscal year, the counties may transfer among appropriated state revenues as needed to ensure the delivery of services.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

#### **H.4632 *ESTUARINE AND SALTWATER FINFISH CATCH LIMITS***

**Rep. Bowers**

This bill states that five, rather than three, Red Drum may be caught per day.

### **EDUCATION AND PUBLIC WORKS**

#### **H.4601 *ISSUANCE OF UNITED STATES NAVAL ACADEMY SPECIAL LICENSE PLATES* Rep. Herbkersman**

This bill allows a widow or widower of a graduate of the United States Naval Academy to also be issued this special license plate.

#### **H.4615 *DISCLOSURE OF CERTAIN FINANCIAL INFORMATION BY PUBLIC INSTITUTIONS OF HIGHER LEARNING* Rep. Loftis**

The legislation requires each public institution of higher learning to maintain a detailed transaction register of all funds expended each month. The register must be posted on the institution's website. The legislation further requires that each public institution of higher learning post on its website all of its credit card statements and the credit card statements for credit cards issued to public officials and employees for public use.

#### **H.4618 *SCHOOL DISTRICTS* Rep. Herbkersman**

The bill provides that on July 1, 2012, the area of each county of this State also must be constituted as a school district, and a county may not have multiple school districts within its boundaries unless the county council of a county passes an ordinance to create and fund another school district within the county. The General Assembly by local law shall provide for the governance, fiscal authority, and administrative and

operational responsibilities for a countywide school district where no provisions of law now apply. All acts or parts of acts relating to a school district that is not a countywide school district required by this legislation are repealed as of July 1, 2012.

**H.4636 COMPOSITION OF THE SOUTH CAROLINA STATE UNIVERSITY  
BOARD OF TRUSTEES Rep. Govan**

This bill adds an additional member to the South Carolina State University Board of Trustees to be appointed by the National Alumni Association of the university.

## JUDICIARY

**H.4602 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO  
HEALTH CARE Rep. Viers**

This joint resolution proposes to amend the State Constitution so as to preempt any federal law or rule that restricts a person's choice of private health care providers or the right to pay for medical services.

**H.4617 REVISIONS TO EJECTMENT PROCEEDINGS Rep. Hamilton**

The bill makes various revisions relating to ejectment proceedings. Among other things, the bill provides a manner for ejecting tenants, reduces the number of days within which a tenant must respond to a rule to vacate, and provides if the tenant fails to appear and show cause within five days after service of the rule the magistrate shall issue a warrant of ejectment and the tenant must be ejected by certain law enforcement officials.

Relating to service of the rule to evict, the bill provides this service only may be made by leaving the rule affixed to the most conspicuous part of the premises. Relating to a trial for an ejectment action, the bill provides for a bench trial rather than a jury trial. Relating to the effect of a verdict for the plaintiff, the bill provides a magistrate immediately must issue a writ of ejectment, and the tenant must be ejected by a constable or sheriff. The bill also provides a manner in which the ejectment must be executed. The bill repeals and amends various statutes as necessary to conform to these provisions.

**H.4623 COMPOSITION OF THE BOARD OF TRUSTEES OF THE  
UNIVERSITY  
OF SOUTH CAROLINA Rep. H. B. Brown**

Under this bill, all members of the Board of Trustees of the University of South Carolina elected by the General Assembly must be graduates of the University of South Carolina. This requirement begins with members elected after June 1, 2010.

**H.4629 SURCHARGE ON CASES INVOLVING CRIMINAL DOMESTIC  
VIOLENCE OFFENSES Rep. Herbkersman**

This bill imposes a \$100 surcharge on cases involving criminal domestic violence (CDV) offenses. The revenue collected from this surcharge may only be used for a CDV prosecutor, CDV Court, or related CDV treatment court programs. The stated intention of this bill is that this revenue not be used to supplant existing funding for certain services related to CDV prosecution. The bill also enables the State Auditor to examine certain related financial records at the request of the State Treasurer.

**H.4630 “JAIDON'S LAW” – REVISIONS PERTAINING TO THE  
DEPARTMENT OF SOCIAL SERVICES Rep. Forrester**

This legislation makes comprehensive revisions pertaining to the Department of Social Services and how the agency and the courts handle certain matters related to a child removed from the custody of his or her parents. Among other things, the legislation makes revisions pertaining to placement plans, termination of parental rights proceedings, and the Central Registry of Child Abuse and Neglect.

## **LABOR, COMMERCE AND INDUSTRY**

**H.4607 ADVERTISEMENTS FOR THE SALE OR LEASE OF MOTOR  
VEHICLES Rep. Sandifer**

This bill defines necessary terms and provides procedures that must be followed by motor vehicle dealers in advertisements made in the course of soliciting for the sale or lease of motor vehicles. The bill revises provisions relating to administrative enforcement orders, so as to provide penalties for motor vehicle dealers who violate these advertisement provisions.

**H.4608 CAPTIVE INSURANCE COMPANIES Rep. Sandifer**

This bill revises provisions governing the operation of captive insurance companies.

**H.4620 “SOUTH CAROLINA CHARITABLE INVESTMENT RECOVERY ACT  
OF 2010” Rep. Herbkersman**

This bill enacts the “South Carolina Charitable Investment Recovery Act of 2010” so as to exempt certain loans to charities from retirement accounts from reporting requirements related to the solicitation of charitable funds. The legislation provides that a bona fide charity or not-for-profit corporation may have an insurable interest in an insured's life in certain circumstances. The legislation revises provisions relating to a known claim against a dissolved corporation, so as to provide a claim for a life insurance policy owned by a charity under certain circumstances may not be barred. The legislation revises the definition of an investment contract under the South Carolina Uniform Securities Act of 2005.

**H.4633 TELEMATICS SYSTEM Rep. Sellers**

This bill excludes services from a telematics system from the provisions of the Motor Club Services Act. The legislation provides that a telematics system means vehicle equipment that employs global positioning systems and wireless communications systems to collect and deliver information or services to and from a motor vehicle.

**H.4638 “SOUTH CAROLINA SMALL BUSINESS MICRO GREEN LOAN  
PROGRAM” Rep. Gunn**

This bill establishes in the State Energy Office the “South Carolina Small Business Micro Green Loan Program”. The legislation: establishes a fund to provide loans under the program; specifies who may receive a loan; provides for administration of the program; creates an advisory committee to the program; and requires the committee to develop program guidelines.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

### **H.4621 DIABETES INITIATIVE BOARD Rep. Harvin**

This bill revises the Board's membership by adding the Dean of the University of South Carolina School of Medicine; the chair of the Division of Endocrinology at the Medical University of South Carolina; and the President of the South Carolina Hospital Association. In addition, the bill states that board members are elected for a three-year term.

### **H. 4624 "MUSIC THERAPY PRACTICE ACT" Rep. Chalk**

This bill outlines that a person practicing or offering to practice music therapy, privately or in public service, shall submit evidence that he is qualified to practice. "Music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed an approved music therapy program. The bill regulates the practice of music therapy and provides criteria for licensure. This bill also creates the South Carolina Board of Music Therapy to assist the Department of Labor, Licensing and Regulation on all matters pertaining to the education, examination, licensure, and continuing education of licensed musical therapists and the practice of music therapy. The bill outlines duties and responsibilities of the Board.

## WAYS AND MEANS

### **S.906 SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS Sen. Leatherman**

This bill revises provisions relating to service credit in the Retirement System for Judges and Solicitors, to provide that a member upon termination who does not qualify for a monthly benefit may transfer his service credit to the South Carolina Retirement System. The legislation clarifies provisions related to the transfer of earned service credit in retirement plans administered by the South Carolina Retirement Systems.

### **S.915 COMMUNITY ECONOMIC DEVELOPMENT ACT EXTENSION Sen. Land**

This bill extends the termination date for the South Carolina Community Economic Development Act until June 30, 2015.

### **S.1145 APPLICATION FOR DISABILITY RETIREMENT Sen. Leatherman**

This bill revises provisions relating to the date upon which an application for disability retirement must be filed with the South Carolina Retirement System, to provide that a member is considered to be in service on the date the application is filed if the member is not retired and the last day the member was employed by a covered employer in the system occurred not more than ninety days prior to the date of filing.

### **S.1146 PAYMENT OF DEATH BENEFITS IN STATE RETIREMENT PLANS Sen. Alexander**

This bill revises provisions relating to the payment of death benefits in retirement plans administered by the South Carolina Retirement Systems, to: repeal certain duties and responsibilities of the board; provide that benefits paid pursuant to the accidental death

insurance benefit shall not be treated as a life insurance benefit; and, provide for the manner in which adjustments to benefits shall be made.

**H.4603 STATE AID TO POLITICAL SUBDIVISIONS Rep. Cooper**

This joint resolution suspends the statutory requirement that alterations to state aid to political subdivisions must be approved in separate legislation. The joint resolution also provides that, for the 2010-2011 fiscal year, the counties may transfer among appropriated state revenues as needed to ensure the delivery of services.

**H.4616 SURCHARGE IMPOSED ON HUNTING AND FISHING LICENSES FOR THE PURPOSE OF FEEDING THE HUNGRY Rep. Littlejohn**

This bill adds a one-dollar surcharge to each hunting and fishing license fee to be retained by the Department of Natural Resources for the promotion and utilization of programs encouraging the donation of deer for processing for ultimate distribution to charitable organizations engaged in distributing food to the needy. The legislation provides for the manner in which the one-dollar surcharge must be used for the purpose of feeding hungry individuals, including the establishment of a seven-member board in each game zone to oversee the expenditure of the funds allocated to that game zone for this purpose.

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